

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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|-----------------|---|--|
| HC2, INC, | : | |
| | : | |
| Plaintiff, | : | 1:20-CV-3178-LJL |
| -against- | : | |
| GREGORY MESSER, | : | DECLARATION OF MICHAEL NACCHIO IN SUPPORT OF MOTION FOR AN ORDER TERMINATING APPEARANCE |
| Defendant. | : | |
| | : | |

I, Michael Nacchio, Esq., hereby declare under penalty of perjury:

1. I am an attorney-at-law and a Shareholder in the firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C., counsel for Plaintiff HC2, Inc. ("Plaintiff"). I submit this declaration in support of my motion to withdraw as counsel for Plaintiff.
2. I will be leaving the law firm of Ogletree, Deakins, Nash, Smoak & Stewart, P.C. effective October 24, 2023. Ogletree, Deakins, Nash, Smoak & Stewart, P.C. was retained to prosecute its lawsuit against and defend now-dismissed counterclaims brought by Andrew Delaney. Another attorney with my firm has entered their appearance in this litigation and is fully familiar with the facts and circumstances of this matter. Accordingly, my withdrawal will not cause any disruption in this matter.
3. As required by Local Civil Rule 1.4, I hereby advise the Court that I am not retaining or charging a lien.
4. The Notice of Motion and this Certification in support of the Motion will be served upon our client at the time of filing.
5. I respectfully request that the Court order my withdrawal and termination as counsel for HC2, Inc.

I swear under the penalty of perjury that the foregoing is true and correct.

By: *Michael Nacchio*
Michael Nacchio

Dated: October 19, 2023

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